

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$7,208.00 IN UNITED
STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Lisa T. Warwick, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action to forfeit property to the United States of America, under 21 U.S.C. § 881(a)(6), for violations of 21 U.S.C. § 841(a)(1).

The Defendant In Rem

2. The defendant property, approximately \$7,208.00 in United States currency, was seized on or about July 3, 2020, from Bounphone Phoneprasith at 1XX E. National Avenue, Apt. 3XX, Milwaukee, Wisconsin.

3. The defendant property is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

6. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred, in part, in this district.

Basis for Forfeiture

7. The defendant property, approximately \$7,208.00 in United States currency, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

Facts

8. Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812.

9. Tetrahydrocannabinol (“THC”) is a Schedule I controlled substance under 21 U.S.C. § 812.

10. MDMA, also known as ecstasy, is a Schedule I controlled substance under 21 U.S.C. § 812.

Background

11. In August 2019, a confidential informant (“CI”) told officers the following:

A. Bounphone Phoneprasith and an individual having the initials J.V. were involved in selling large quantities of high-grade marijuana.

- B. Bounphone Phoneprasith and J.V. obtained marijuana and THC cartridges from sources in California.

12. In April 2020, a UPS next day air parcel was pulled from the inbound air belt in Ontario, California.

- A. A drug detection canine alerted to the odor of a controlled substance on the parcel.
- B. Agents obtained a search warrant and opened the parcel.
- C. Inside the parcel was approximately \$45,540 in United States currency.
- D. The approximately \$45,540 was believed to be proceeds of drug trafficking or currency intended to be used to purchase controlled substances.
- E. The parcel had been shipped from Bounphone Phoneprasith in Milwaukee, Wisconsin, to an individual having the initials S.P. in California.

13. In May 2020, the CI purchased THC cartridges from J.V. for an agreed-upon amount of currency at a pre-determined meet location. Bounphone Phoneprasith was in the passenger's seat of the vehicle in which this drug transaction took place. The cartridges that the CI purchased were labeled as containing 82% THC and the total weight was approximately 1,025 milligrams.

14. In June 2020, the CI told officers that Bounphone Phoneprasith and J.V. were anticipating a shipment of marijuana and THC cartridges.

15. American Airlines records show that Bounphone Phoneprasith and J.V. flew from Chicago, Illinois, to Los Angeles, California, on June 15, 2020, and flew from Los Angeles, California, back to Chicago, Illinois, on June 18, 2020.

16. American Airlines records show that on June 27, 2020, Bounphone Phoneprasith and J.V. again flew from Chicago, Illinois, to Los Angeles, California.

17. During one or both of their June 2020 trips to California, officers believe that Bounphone Phoneprasith and J.V. arranged to have marijuana and/or THC cartridges transported to Milwaukee, Wisconsin.

July 2, 2020, surveillance at Bounphone Phoneprasith's residence, 1XX E. National Avenue, Apt. 3XX, Milwaukee, Wisconsin

18. On July 2, 2020, officers conducted surveillance at Bounphone Phoneprasith's residence, 1XX E. National Avenue, Apt. 3XX, Milwaukee, Wisconsin.

19. On July 2, 2020, surveillance video cameras at Phoneprasith's apartment complex recorded various activities at and near the complex.

20. J.V.'s blue Honda Accord was parked in the visitor parking section at Phoneprasith's apartment complex.

21. At approximately 2:03 p.m., Phoneprasith's vehicle pulled into the garage of the apartment complex.

22. At approximately 2:06 p.m., J.V. entered the building through the west main lobby.

23. At approximately 2:15 p.m., J.V. was standing on the third-floor balcony of Phoneprasith's apartment, Apt. 3XX.

24. At approximately 2:16 p.m., a gray minivan arrived at the apartment complex. A male exited the minivan and carried two large boxes into the building.

25. At the same time the male entered the building carrying the two large boxes, J.V. left the third-floor balcony and re-entered Phoneprasith's apartment.

26. At approximately 2:31 p.m., an individual having the initials C.K. was dropped off at Phoneprasith's apartment complex by a Lyft vehicle. At that time, J.V. walked back onto the third-floor balcony and tossed a set of keys down to C.K.

27. C.K. used the keys to enter J.V.'s Honda Accord. C.K. drove the Honda Accord to the entrance door of the apartment complex and waited in the driver's seat of the vehicle.

28. At approximately 2:35 p.m., J.V. exited the building carrying one of the two large boxes that the male had carried into the building minutes earlier.

29. J.V. placed the box into the trunk of the Honda Accord and entered the passenger side of the vehicle. C.K. then drove away in the Honda Accord, with J.V. as a passenger.

30. Officers followed the Honda Accord and conducted a traffic stop on the vehicle. Neither J.V. nor C.K. were wearing seat belts.

31. C.K. admitted to officers that there was a controlled substance in the vehicle.

32. A drug detection canine conducted a sniff on the exterior of the Honda Accord and alerted to the odor of narcotics on the trunk of the vehicle.

33. Officers searched the Honda Accord.

A. In the passenger compartment was mail addressed to J.V.

B. Inside the trunk were the following:

- i. A large box containing seven vacuum-sealed bags of marijuana.
 - a. Each bag of marijuana was labeled with the name of a strain of marijuana, including O.G., G.G.S., Cookies, or G.G.
 - b. The bags contained approximate weights of 448.41 grams, 336.97 grams, 448.66 grams, 447.80 grams, 445.85 grams, 446.64 grams, and 446.98 grams, for a total of approximately 3,021.31 grams of marijuana.
- ii. One box of .380-caliber ammunition.
- iii. One spent .45-caliber casing.

July 3, 2020 execution of search warrant at Bounphone Phoneprasith's residence, 1XX E. National Avenue, Apt. 3XX, Milwaukee, Wisconsin

34. On July 3, 2020, officers executed a search warrant at the residence of Bounphone Phoneprasith, 1XX E. National Avenue, Apt. 3XX, Milwaukee, Wisconsin (the "subject residence").

35. Bounphone Phoneprasith is the only adult resident of the subject residence.

36. On July 3, 2020, the following items, among other things, were in the subject residence:

- A. Numerous documents for Bounphone Phoneprasith, including rental documents, Department of Motor Vehicle forms, and a passport.
- B. In the kitchen:
 - i. Vacuum sealed bags containing a total of approximately 686 grams of marijuana;
 - ii. One baggie containing one and one-half MDMA pills;
 - iii. A money counter;
 - iv. One handgun loaded with 15 rounds of ammunition; and
 - v. A vacuum sealer unit.
- C. In the master bedroom:
 - i. A total of approximately \$7,208 in United States currency in the headboard of the bed;
 - ii. Two rifles – one loaded with 29 rounds of ammunition;
 - iii. Four handguns – two loaded with ammunition; and
 - iv. Additional magazines and ammunition.

Warrant for Arrest In Rem

37. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

Claims for Relief

38. The plaintiff alleges and incorporates by reference the paragraphs above.

39. By the foregoing and other acts, the defendant property, approximately \$7,208.00 in United States currency, was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

40. The defendant approximately \$7,208.00 in United States currency is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property, approximately \$7,208.00 in United States currency, be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 25th day of November, 2020.

Respectfully submitted,

MATTHEW D. KRUEGER
United States Attorney

By: /s/ Lisa T. Warwick
LISA T. WARWICK

Assistant United States Attorney
Wisconsin Bar No. 1017754
Attorney for Plaintiff
Office of the United States Attorney
Federal Building, Room 530
517 East Wisconsin Avenue
Milwaukee, WI 53202
Telephone: (414) 297-1700
Fax: (414) 297-4394
lisa.warwick@usdoj.gov

Verification

I, Jason J. Baranek, hereby verify and declare under penalty of perjury that I am a Task Force Officer with the Drug Enforcement Administration (“DEA”) in Milwaukee, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 8 through 36 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Task Force Officer with DEA.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 11/24/2020

s/TFO JASON J. BARANEK
Jason J. Baranek
Task Force Officer
Drug Enforcement Administration

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box: ☐ Green Bay Division ☒ Milwaukee Division

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Lisa T. Warwick, AUSA

US Attorney's Office, #530 Federal Building

517 E. Wisconsin Avenue, Milwaukee, WI 53202 (414-297-1700)

DEFENDANTS

APPROXIMATELY \$7,208.00 IN UNITED STATES CURRENCY

County of Residence of First Listed Defendant Milwaukee

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☒ 1 U.S. Government Plaintiff

☐ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff)

(For Diversity Cases Only)

| | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|---|---|--|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW W (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g)) |
| | | IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions | FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 USC § 881(a)(6)

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/25/2020

s/LISA T. WARWICK

FOR OFFICE USE ONLY

RECEIPT #

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$7,208.00 IN UNITED
STATES CURRENCY,

Defendant.

WARRANT FOR ARREST IN REM

To: THE UNITED STATES MARSHAL
Eastern District of Wisconsin

WHEREAS, a Verified Complaint for Civil Forfeiture *in rem* was filed on the 25th day of November, 2020, by the United States Attorney for the Eastern District of Wisconsin, which seeks the forfeiture of the above-named defendant property pursuant to Title 21, United States Code, Section 881(a)(6), and which prays that process issue to enforce the forfeiture and to give notice to all interested parties to appear before the court and show cause why the forfeiture should not be decreed; and due proceedings being had, that the defendant property be condemned and forfeited to the use of the United States of America.

YOU ARE THEREFORE HEREBY COMMANDED to attach and arrest the defendant property, approximately \$7,208.00 in United States currency, which was seized on or about July 3, 2020, from Bounphone Phoneprasith at 1XX E. National Avenue, Apt. 3XX, Milwaukee, Wisconsin, and which is presently in the custody of the United States Marshal Service in

Milwaukee, Wisconsin, in the Eastern District of Wisconsin, and to detain the same until further order of this Court.

Dated this ____ day of _____, 2020, at Milwaukee, Wisconsin.

GINA COLLETTI
Clerk of Court

By:

Deputy Clerk

Return

This warrant was received and executed with the arrest of the above-named defendant.

Date warrant received: _____

Date warrant executed: _____

Name and title of arresting officer: _____

Signature of arresting officer: _____

Date: _____